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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,332	03/25/2004	Hidegori Kuwajima	0397-0477PUS1	5433
2292 7590 07/20/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER HUYNH, NAM TRUNG	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 07/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

**Application No.**

10/808,332

**Applicant(s)**

KUWAJIMA, HIDENORI

**Examiner**

Nam Huynh

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-15, 17, AND 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to amendment filed on 4/16/2007. Of the previously presented claims 1-5, 7-15, 17, and 18, no amendments were made.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-4, 11-14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (US 2002/0052192) (hereinafter referred to as Yamazaki) in view of Kagay, JR. (US 2004/0063423) (hereinafter referred to as Kagay).

Regarding claims 1, 11, Yamazaki discloses a user identity authentication system and user identity authentication method and mobile telephonic device (title). In the scope of the invention a mobile telephonic device comprises:

- Memory, or a storage device, for storing a user's individual information (personal authentication information storing section) (page 3, paragraph 53).
- An image sensor that reads the individual information of a user (identity inputting section) (page 1, paragraph 10).
- A module for comparing individual information read by the image sensor and individual information stored in the storage device (personal authentication section) (page 1, paragraphs 11, 12).
- Means for transmitting the results of the user authentication performed by the module to a destination terminal (base station) via the Internet or a wireless communication line (informing section) (page 3, paragraph 53).

However, Yamazaki does not explicitly teach or disclose a function disabling section which disables some or all of communication functions after the informing section transmits the authentication result to the destination base station. Kagay discloses a method and apparatus for operating a lost mobile communication device (title). In the scope of the invention, a user can remotely activate a suspend mode. The suspend mode is implemented by a security module that can suspend operation of specific functions including all outgoing calls except for the callback number (disabling some or all of communication functions) (pages 1-2, paragraphs 16, 17). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Yamazaki to include a means for suspending operation of communication functions, as taught by Kagay, after the transmission of authentication results in order to suspend operation of specified functions of a mobile communications

device if the device is lost. This modification disables the device from being used by an unauthenticated or fraudulent user.

Regarding claims 2 and 12, Yamazaki teaches that individual information used for authentication of a user may include palm print or a fingerprint (page 3, paragraph 48).

Regarding claims 3 and 13, Yamazaki teaches that an image sensor reads individual information of a user and is authenticated based on the read individual information (page 1, paragraph 10). Therefore it is further obvious to one of ordinary skill in the art that individual information may include a facial image since facial image is "individual information".

Regarding claims 4 and 14, the limitations are rejected as applied to claim 1. It is further obvious to one of ordinary skill in the art that the authentication result of Yamazaki may be stored before transmission. Furthermore, Yamazaki teaches that the identity authentication result is transmitted only when necessary and when a user desires to make a connection to a desired destination terminal (attempt to use the mobile communication function) (page 1, paragraphs 7, 14).

Regarding claims 17 and 18, Yamazaki teaches the sending of an authentication result over the Internet or a wireless communication line (page 3, paragraph 53). Therefore it would have been further obvious to one of ordinary skill in the art that the invention is not limited to the party that may receive the result(s).

4. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. (US 2002/0052192) (hereinafter referred to as Yamazaki) in view of

Kagay, JR. (US 2004/0063423) (hereinafter referred to as Kagay), and further in view of Powell (US 5,991,617).

The limitations are rejected as applied to claims 1 and 4. However, the combination of Yamazaki and Kagay does not explicitly disclose that the authentication result is sent after personal authentication has failed a predetermined number of times. Powell discloses a method for preventing cellular telephone fraud (title). Powell teaches counting of authentication failures. When the authentication failure count reaches a configurable predetermined number, an operating supervisor is invoked (column 5, lines 15-33). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Yamazaki and Kagay, to include the counting of authentication failures, as taught by Powell, in order to indicate to the network fraudulent use of the cellular telephone and provide added security on the network level against such fraudulent use.

***Allowable Subject Matter***

5. Claims 7-10 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-6, 11-15, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agarwal et al. (US 7,010,699)

Satou (US 2006/0058064)

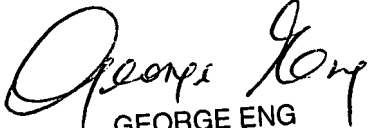
Bolle et al. (US 6,819, 219)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH  
7/6/07

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER